

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 DEBT RESOLVE, INC., :
 :
 Plaintiff, : 07 Civ. 4531 (JSR)
 :
 -v- : ORDER
 :
 APOLLO ENTERPRISE SOLUTIONS, LLC, :
 :
 Defendant. :
 -----x

JED S. RAKOFF, U.S.D.J.

Defendant Apollo Enterprise Solutions, LLC moves for summary judgment. Upon consideration, the Court, pursuant to Fed. R. Civ. P. 56(f), hereby denies the motion as premature. The Clerk of the Court is directed to close document number 13 in the Court's docket.

The parties are directed to jointly prepare and present to the Court by no later than October 11, 2007, a discovery plan that will conclude all discovery by no later than December 31, 2007 (following which the Court will promptly schedule a "Markman" hearing and post-discovery summary judgment practice). In preparing the discovery plan, the parties shall take account of the fact that, barring express order of the Court, no deposition may exceed 3 1/2 hours in length.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
October 5, 2007

USDC SDNY
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